

BUREAU OF INTERNAL AFFAIRS
INVESTIGATIONS DIVISION
GENERAL INVESTIGATIONS SECTION

16 Feb 2012

TO: Commanding Officer
Investigations Division
General Investigations Section


FROM: Sgt. Joseph Stehlik #1945
Investigations Division
General Investigations Section

SUBJECT: Approval of Complaint LOG#1049980

The attached Complaint LOG#1049980 has been completed and is submitted for your approval.


Sgt. Joseph Stehlik #1945

APPROVED:

 #2493
Case Management Supervisor
Investigations Division
General Investigations Section
17 FEB 2012

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

COMPLAINT LOG NO.
1049980

TYPE
CR

DATE OF REPORT (Day-Mo.-Yr.)
16 Feb 2012

INSTRUCTIONS: To be used in all cases that are to be classified as either **EXONERATED, UNFOUNDED, NOT SUSTAINED**, or in **SUSTAINED** cases where the Disciplinary Recommendation does not exceed **FIVE (5) DAYS SUSPENSION**. SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED. SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: ☐ CHIEF ADMINISTRATOR,
INDEPENDENT POLICE REVIEW AUTHORITY ☒ CHIEF,
INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME
Joseph Stehlik RANK
Sgt. STAR NO.
1945 EMPLOYEE NO.
[REDACTED] UNIT ASSIGN.
121G UNIT DETAILED
DNA

REFERENCE NOS. (LIST ALL RELATED C.L., C. B., I.R., INVENTORY NOS., ETC., PERTINENT TO THIS INVESTIGATION)

ADDRESS OF INCIDENT Michigan Blvd near Johnson Rd Michigan City, Indiana				DATE OF INCIDENT -TIME 12 Nov 2011 2220		BEAT OF INCIDENT 4100	
ACCUSED	NAME 1. [REDACTED]		RANK P.O.	STAR NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 008	UNIT DETAILED DNA
	2.						
	3.						
	SEX/RACE 1. F/W	D.O.B.	DATE OF APPOINTMENT 26 Sep 2006		DUTY STATUS (TIME OF INCIDENT) <input type="checkbox"/> ON DUTY <input checked="" type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN
	2.				<input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN
	3.				<input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN
	IF APPLIES, DATE ARRESTED/INDICTED 1. 12 Nov 2011		CHARGES Disorderly Conduct		COURT BRANCH Indiana Misd.	DISPOSITION & DATE Court Diversion Exp 31 Jul 11	
	2.		Public Intoxication		Court	Dismissed	
	3.						
	COMPLAINANT	NAME Trooper R. HOVARTER #8497		ADDRESS** Indiana State Police		CITY STATE	TELEPHONE 219-696-6242
VICTIMS	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE D.O.B./AGE
WITNESSES	NAME Sgt. Carmelo BAGLIERI #2178		ADDRESS** 008		CITY STATE	TELEPHONE Pax 1282	SEX/RACE M/W

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

**IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

NOTE: Complaint Log "Type" is classified as CR - Sworn Affidavit not required.

Allegation #1: It is alleged by the complainant that the accused, P.O. [REDACTED] of Unit 008 was placed under arrest on 12 Nov 2011 at approximately 2230hrs in Michigan City, Indiana for the charge of Disorderly Conduct.

Allegation #2: It is alleged by the complainant that the accused, P.O. [REDACTED] of Unit 008 was placed under arrest on 12 Nov 2011 at approximately 2230hrs in Michigan City, Indiana for the charge of Public Intoxication.

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s).
In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

SEE PAGE THREE

SUMMARY

ATTACH-
MENTS

INVESTIGATIVE REPORTS-
SUPPORTING ALLEGATION
LIST ATTACHMENT NUMBERS:
#13

INVESTIGATIVE REPORTS-
SUPPORTING ACCUSED MEMBER(S)
LIST ATTACHMENT NUMBERS:
None

PHYSICAL EVIDENCE LIST
ATTACHMENT NUMBERS:
None

TOTAL NUMBER OF ATTACHMENTS
SUBMITTED WITH THIS FILE:
21

FINDINGS - RECOMMENDATIONS

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.
Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for --- days (not to exceed 5 days).

SEE PAGE THREE

DATE INITIATED (Date complaint was received for investigation)
17 Nov 2011

DATE COMPLETED (Date of this report)
16 Feb 2012

ELAPSED TIME (Total time expressed in days)
91 days

Investigator will initiate the Command Channel Review form by
completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE



IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

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LOG#10449980

INVESTIGATION:

R/Sgt assigned to this investigation through normal channels of this command. R/Sgt learned from the initiation report that the accused had been placed under arrest on 12 Nov 2011 by Trooper HOVARTER of the Indiana State Police at approximately 2230hrs at Michigan Boulevard near Johnson Road in Michigan City Indiana. The accused was charged with Disorderly Conduct and Public Intoxication both misdemeanors.

A check of the case report that was obtained from the Indiana State Police revealed the following. Trooper HOVARTER stopped a black Saturn vehicle which was traveling eastbound on Michigan Boulevard near Johnson Road in Michigan City Indiana. The Trooper began an OWI investigation of the driver of that vehicle which was also occupied by a female who is the accused P.O. [REDACTED] Per Trooper HOVARTER the accused had a strong odor of an alcoholic beverage coming from her person and he believed her to be intoxicated.

During the course of HOVARTER'S investigation, the accused exited the vehicle several times and began yelling at him. The accused identified herself to Trooper HOVARTER and she was instructed to stay seated in the vehicle on several occasions. While conducting his investigation an additional officer, P.O. Joseph BLAKE of the La Porte City Police Department arrived on the scene. While Trooper HOVARTER conducted his OWI investigation [REDACTED] continued to exit the vehicle and yell at HOVARTER and then told him what he was doing was "bullshit". HOVARTER told her that if she continued to exit the vehicle and not cooperate she would be arrested. FAZY then told HOVARTER that she was a Chicago Police Officer. HOVARTER then informed FAZY that she should get back into her vehicle and he would explain everything to her when he was finished and what she was doing was interfering with his investigation.

HOVARTER placed the driver into handcuffs and [REDACTED] exited the vehicle and began yelling at HOVARTER again and told him again that this was "bullshit" and that he had no courtesy for law enforcement. [REDACTED] began crying and at that time HOVARTER asked P.O. BLAKE to place [REDACTED] in handcuffs. HOVARTER explained to [REDACTED] that he was placing her under arrest for public intoxication and disorderly conduct. [REDACTED] was then transported to the La Porte County Sheriff's office where she was processed without further incident. [REDACTED] was able to make bond on the two charges and released. **(attachment #13)**

On 13 Nov 2011 Sgt. BRODERDORF #1125 was notified by Lt. CLARK #320 that P.O. [REDACTED] had been placed under arrest in Indiana and was to report for work on the third watch on 13 Nov 2011 at 1800hrs. Sgt. BRODERDORF met with Lt. OSTROWSKI #274 and informed him of those facts. Upon her arrival at work, [REDACTED] was directed to Sgt. BRODERDORF where at that time she was relieved of her police powers and surrendered her star, identification card

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and shield to him. [REDACTED] was order to appear at the Bureau of Internal Affairs on 14 Nov 2011 at 0930hrs to be reassigned. It should be noted that based upon the circumstances of this infraction the accused was not facing a recommendation of Separation. With that being said the accused's police powers were restored on 16 Dec 2011 and she was put back to work in the 008th district. **(attachment #5, #6, #7, #8, #14, #16, #17)**

On 10 Jan 2012 the accused P.O. Sara [REDACTED] was served with her Notification of Charges/Allegations and Request to Secure Counsel forms electronically and ordered to appear on 17 Jan 2012. On 17 Jan 2012 R/Sgt was contacted by personnel from the 008th district who informed R/Sgt that the accused [REDACTED] was currently on the medical and would not be appearing to supply R/Sgt with an accused statement. R/Sgt learned that the accused was involved in a traffic accident with no return to duty date. **(attachment #18)**

R/Sgt was able to make contact with the accused [REDACTED] and informed her that R/Sgt was attempting to make arrangements to obtain her accused statement from her. She informed R/Sgt that her medical status currently was ambulatory but that she was going to have surgery for injuries suffered in the traffic accident. A date was agreed upon and [REDACTED] related that she could appear on 10 Feb 2012 in order to answer her allegations. On 01 Feb 2012 the accused was again served with her Notification of Charges/Allegations and Request to Secure Legal Counsel forms electronically and ordered to appear at 1000hrs on that date.

On 10 Feb 2012 at 1000hrs, the accused appeared at the Bureau of Internal Affairs with her FOP Attorney Dan HERBERT. At that time the accused, P.O. [REDACTED] was again served with her Notification of Charges/Allegations and Request to Secure Legal Counsel forms electronically which she acknowledged. She then related the following account of what had occurred. [REDACTED] related that she was in Indiana with her boyfriend [REDACTED] to celebrate an anniversary. They had left to go there at approximately 1300hrs on 12 Nov 2011. [REDACTED] stated that they had gone to eat at a winery and then headed over to a casino that was nearby. [REDACTED] admitted drinking wine while she was in Indiana but could only recall drinking one glass.

[REDACTED] was asked if she ever drove a vehicle while in Indiana and she stated that she did not. She stated that [REDACTED] did all of the driving. [REDACTED] related that [REDACTED] was driving her Saturn. [REDACTED] stated that the vehicle was pulled over at Michigan Boulevard near Johnson Road at approximately 2220hrs by an Indiana State Trooper. [REDACTED] was asked if she knew why they had been pulled over and she related that the Trooper had told her because the driver did not have his seat belt on. [REDACTED] was asked if they were stopped because the Trooper thought that the driver of her vehicle was intoxicated and she stated no she thought it was just for the failure to use the seatbelt.

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█████ was asked if during the Trooper's investigation had she ever exited the vehicle on several occasions and yell at Trooper HOVARTER and she replied that she never yelled at him. █████ was ever asked if she was ever instructed to stay seated in the Saturn by Trooper HOVARTER and she stated no. █████ admitted to identifying herself to the Trooper by giving him her name. █████ was asked if she had ever stated to Trooper HOVARTER that his investigation was "bullshit" and she stated she had never made that comment. █████ was asked if Trooper HOVARTER had stated to her that if she continued to make noise and not cooperate she would be arrested and she replied that to the best of her knowledge he never made that statement. █████ was also asked if she ever identified herself as a Chicago Police Officer to HOVARTER and she related that she did when they were first approached during the traffic stop.

█████ was asked if she was told a second time to get back inside of her vehicle by HOVARTER and he would explain everything when he was done and she stated she could not recall. █████ was asked if HOVARTER had informed her that she was interfering with his investigation and she stated she could not recall that either. █████ was asked if her friend █████ was placed in handcuffs and arrested and she stated that he was and he was charged with OWI/DUI. █████ was asked if when █████ was placed under arrest, did she begin yelling and state to HOVARTER that this was "bullshit" and █████ stated that she never made that statement. █████ was asked if she also stated to HOVARTER that "he did not have any courtesy for law enforcement" and she stated that she could not remember if she made that statement but she thought that Trooper HOVARTER was being disrespectful towards her and █████

█████ related that she was then placed under arrest by the second officer who had arrived on the scene who was from the La Porte City Police Department. █████ stated that she was placed under arrest for Disorderly Conduct and she found out about the second charge when she was being released from custody. █████ was able to make bond for her arrest and she was released from the La Porte County Jail facility where she had been transported. █████ was asked what her initial court date was and she related that to the best of her knowledge it was 30 Nov 2011. When asked about the current status of her case, █████ related that the Public Intoxication charge was dismissed on 31 Jan 2012 and she was given a six month court diversion for the Disorderly Conduct charge which is set to expire on 31 Jul 2012. █████ was asked if there was anything else that she wanted to add that was relevant to this investigation and she stated that she regrets that this incident occurred. █████ stated that she believed that she had not acted inappropriately in this incident. █████ stated that the Trooper had acted rude and unprofessional towards her and her boyfriend. █████ stated that when she informed the Trooper of this he then arrested her.

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█████ stated that she never pled guilty to the charges against her and she accepted an offer which would dismiss one case completely and dismiss the second charge in six months. She added that she wanted to move on from this case and continue to serve the Chicago Police Department. She could not add anything else additionally and the statement was concluded. (**attachment #19**)

After reviewing all of the facts in this investigation and conducting interviews, R/Sgt believes that there is enough evidence for a **SUSTAINED** finding.

FINDINGS:

ACCUSED:

P.O. █████ Employee # █████
Currently assigned to the 008th District

Allegation #1:

SUSTAINED – Violation of Rule 1
Violation of any law or ordinance, in that; the accused P.O. █████ of Unit 008 was placed under arrest on 12 Nov 2011 at approximately 2230hrs at Michigan Boulevard near Johnson Road in Michigan City Indiana and charged with one count of Disorderly Conduct a class B misdemeanor under IC #35-45-1-3.

SUSTAINED – Violation of Rule 2
Any action or conduct which impedes the Department's efforts to achieve its policy and goals or bring discredit upon the Department, in that; the accused P.O. █████ # █████ of Unit 008 was placed under arrest by Indiana State Trooper R. HOVARTER #8497 on 12 Nov 2011 at approximately 2230hrs and charged with Disorderly Conduct bringing discredit upon the Department.

Allegation #2:

SUSTAINED – Violation of Rule 1
Violation of any law or ordinance, in that; the accused P.O. █████ of Unit 008 was placed under arrest on 12 Nov 2011 at approximately 2230hrs at Michigan Boulevard

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near Johnson Road in Michigan City Indiana
and charged with one count of Public
Intoxication a class B misdemeanor under IC
#7.1-5-1-3.

SUSTAINED – Violation of Rule 2

Any action or conduct which impedes the
Department's efforts to achieve its policy and
goals or bring discredit upon the Department,
in that; the accused P.O. [REDACTED] of
Unit 008 was placed under arrest by Indiana
State Trooper R. HOVARTER #8497 on 12
Nov 2011 at approximately 2230hrs and
charged with Public Intoxication bringing
discredit upon the Department.

RECOMMENDATION:

After reviewing the accused's Complimentary and Disciplinary History,
R/Sgt is recommending that the accused, P.O. [REDACTED] Employee
[REDACTED] of Unit 008 be **SUSPENDED** for a period of 5 (five) days.

Attachments for LOG#1049980

No.	Type	No. of Pages	Narrative
1	FACE SHEET		
2	CONFLICT CERTIFICATION		
3	SWORN AFFIDAVIT FROM COMPLAINANT	1	Sworn Affidavit - Not Required
4	INITIATION REPORT	2	
5	SYNOPSIS	2	Synoptic report of Sgt. BRODERDORF #1125.
6	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	1	Bond info.
7	NOTIFICATION OF DUTY RESTRICTIONS	1	
8	EQUIPMENT TRANSACTION RECEIPT	2	Receipt for star, shield and id card.
9	REPORT (OTHER)	1	Request for temporary id card.
10	REPORT (OTHER)	1	Duty Status
11	TO/FROM REPORT	1	Report from Sgt. SKOL #1378.
12	REPORT (OTHER)	1	E-mail from 1st Sgt. T. WEEMS of the Indiana State Police.
13	GENERAL OFFENSE CASE REPORT	3	Case Report #13-77002 submitted by Trooper HOVARTER of the Indiana State Police.
14	TO/FROM REPORT	1	TO/FROM Report restoring P.O. [REDACTED] police powers.
15	EQUIPMENT TRANSACTION RECEIPT	1	Return of temporary id card.
16	RELEASE OF DUTY RESTRICTIONS	1	
17	EQUIPMENT TRANSACTION RECEIPT	1	Return of P.O. [REDACTED] star, shield and id card.
18	ACCUSED NOTIFICATION OF ALLEGATIONS FOR FAZY, SARA		
19	STATEMENT OF POLICE OFFICER	9	Accused statement of P.O. [REDACTED] along with Notification of Charges/Allegations.
20	COMPLIMENTARY HISTORY	1	
21	DISCIPLINARY HISTORY	1	